

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,

and

COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,

Plaintiffs,

v.

CAPITAL REGION WATER,

and

THE CITY OF HARRISBURG, PA,

Defendants.

Civil Action No. 1:15-cv-00291  
Hon. William W. Caldwell

**JOINT STIPULATION REGARDING MODIFICATION  
TO PARTIAL CONSENT DECREE**

WHEREAS, on February 10, 2015, the United States of America lodged a Partial Consent Decree with the Court (Dkt. No. 4) that resolves most claims alleged by the United States and the Pennsylvania Department of Environmental Protection (collectively, "Plaintiffs") against Capital Region Water and the City of Harrisburg, Pennsylvania in the Complaint filed simultaneously with the Notice of Lodging;

WHEREAS, following the date of lodging, pursuant to the terms of the Partial Consent Decree, Capital Region Water ("CRW") timely submitted to the Plaintiffs the results of certain investigations CRW undertook to assess the structural integrity of the sewer interceptors in the

Harrisburg sewer system. CRW's submittal included a proposed construction schedule for addressing high priority remedial work identified as necessary to repair structural problems in the sewer interceptors;

WHEREAS, based on the results of the structural integrity assessment of the interceptors, CRW identified previously unknown structural problems in the Paxton Creek Interceptor and the Asylum Run Interceptor, and based on the relative severity of the structural problems, CRW identified the corrective action necessary for those interceptors to be higher priority than the work previously anticipated as necessary in the Front Street Interceptor;

WHEREAS, Plaintiffs have reviewed the results of CRW's engineering assessment of the structural integrity of the sewer interceptors, and the proposed construction schedule for the high priority remedial work on the interceptors. As a result of this additional information concerning the relative structural integrity of the sewer interceptors in Harrisburg, Plaintiffs and CRW have agreed to the modification of Paragraph 31(a) of the Partial Consent Decree as lodged before the Court, as provided below;

WHEREAS, under the Modification to Paragraph 31(a) of the Partial Consent Decree currently lodged before the Court, CRW will have until December 31, 2020 to complete all priority remedial work in the Front Street Interceptor, and in the interim commits to completing the higher priority remedial work identified in the Paxton Creek Interceptor and Asylum Run Interceptor by December 31, 2017, and December 31, 2018, respectively;

WHEREAS, the United States held a 30-day public notice and comment period on the Partial Consent Decree;

WHEREAS, the United States has not yet moved for entry of the Partial Consent Decree;

WHEREAS, the Parties desire to make a modification to the Partial Consent Decree through this Joint Stipulation;

WHEREAS, the Modification pertains to adjusting the schedule for one requirement under the Partial Consent Decree, CRW is committing to a schedule for completion of higher priority remedial work in two additional interceptors, and the Modification does not otherwise impact injunctive relief that will be obtained under the Partial Consent Decree.

NOW THEREFORE, the Parties have each reviewed this Joint Stipulation and hereby agree that, upon approval of this modification by the Court, the Partial Consent Decree shall be modified as follows:

The text included in Paragraph 31(a) of the lodged Partial Consent Decree is to be stricken in its entirety and replaced with the following language:

“31. CRW shall complete the following projects within the timeframes set forth below:

a. High Priority Combined Sewer Interceptor Improvements. CRW shall perform a comprehensive assessment of the structural integrity of the Front Street Interceptor, the Paxton Creek Interceptor, the Asylum Run Interceptor, and the Spring Creek Interceptor by October 31, 2014. Based on the findings of the assessment, CRW shall identify all priority remedial work in the those interceptors and develop a construction schedule to submit to Plaintiffs for review and approval pursuant to Section VI (Review and Approval of Deliverables) by March 1, 2015. All priority remedial work under the construction schedule proposed shall be completed by the following dates:

- i. on the Paxton Creek Interceptor, by December 31, 2017;
- ii. on the Asylum Run Interceptor, by December 31, 2018; and
- iii. on the Front Street Interceptor, by December 31, 2020.

For the purposes of this Paragraph, priority remedial work shall include, but not be limited to, all interceptor segments that, based on an engineering assessment of internal inspection data, receive a pipe segment index score of "5" or "4" using the National Association of Sewer Service Companies ("NASSCO") Pipeline Assessment Certification Program and Manhole Assessment Certification Program. Progress on all priority remedial work conducted pursuant to this Paragraph shall be reported in the Semi-Annual Reports pursuant to Section VII (Reporting Requirements)."

**IT IS SO STIPULATED.**

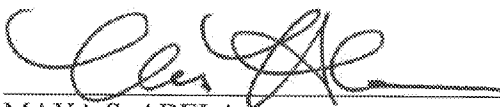
**FOR THE UNITED STATES OF AMERICA:**

Date: \_\_\_\_\_



JOHN C. CRUDEN  
Assistant Attorney General  
Environment and Natural Resources Division  
U.S. Department of Justice

Date: 5/13/2015

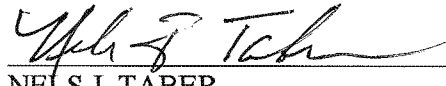


MAYA S. ABELA  
Trial Attorney  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
P.O. Box 7611  
Washington, D.C. 20044

*Joint Stipulation Regarding Modification to the Partial Consent Decree in United States and Pennsylvania Department of Environmental Protection v. Capital Region Water and City of Harrisburg, PA, Case No. 1:15-cv-00291 (M.D. Pa.)*

**FOR THE PENNSYLVANIA DEPARTMENT OF  
ENVIRONMENTAL PROTECTION:**

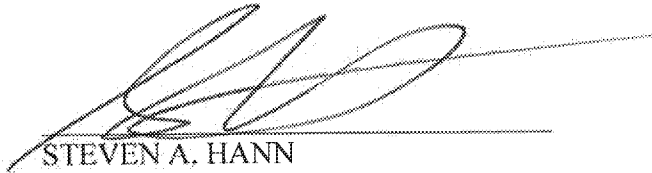
Date: 4/27/15

  
NELS J. TABER  
Regional Counsel  
Office of Chief Counsel  
Department of Environmental Protection  
South Central Regional Office  
909 Elmerton Avenue  
Harrisburg, PA 17110-8200

*Joint Stipulation Regarding Modification to the Partial Consent Decree in United States and Pennsylvania Department of Environmental Protection v. Capital Region Water and City of Harrisburg, PA, Case No. 1:15-cv-00291 (M.D. Pa.)*

**FOR CAPITAL REGION WATER:**

Date: 4/29/2015

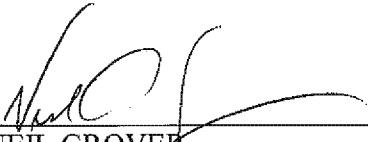


STEVEN A. HANN  
Hamburg, Rubin, Mullin, Maxwell & Lupin  
375 Morris Road, P.O. Box 1479  
Landsdale, PA 19446-0773

*Joint Stipulation Regarding Modification to the Partial Consent Decree in United States and Pennsylvania Department of Environmental Protection v. Capital Region Water and City of Harrisburg, PA, Case No. 1:15-cv-00291 (M.D. Pa.)*

**FOR THE CITY OF HARRISBURG:**

4-28-2015  
Date

  
\_\_\_\_\_  
NEIL GROVER  
City Solicitor, City of Harrisburg  
Reverend Dr. Martin Luther King City Government Center  
10 North Second Street  
Harrisburg, PA 17101

*Joint Stipulation Regarding Modification to the Partial Consent Decree in United States and Pennsylvania Department of Environmental Protection v. Capital Region Water and City of Harrisburg, PA, Case No. 1:15-cv-00291 (M.D. Pa.)*

**SO ORDERED.**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Hon. William W. Caldwell